

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MARSHA KELLY,	)	CASE NO. 1:13-cv-00848-JRA
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	<b>MOTION TO REASSIGN TO JUDGE</b>
	)	<b>PATRICIA A. GAUGHAN</b>
DAVID BROOKS, <i>et al.</i> ,	)	
	)	
Defendant.	)	

Defendants University Hospitals Health Systems, Inc. (“UHHS”), University Hospitals Medical Group, Inc. (“UHMG”), and David Brooks hereby bring to the attention of the Court that, pursuant to Local Rule 3.1(b)(4), this case should be reassigned to Hon. Patricia A. Gaughan as a related case to *Marsha Kelly v. David Brooks, et al.*, Case No. 1:12-cv-00512 (N.D. Ohio 2012).

Local Rule 3.1(b)(4) provides:

Refiled, Dismissed and Remanded Cases. If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State Court, and subsequently refiled, it shall be assigned to the same District Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such case to the attention of the Court by responding to the questions included on the Civil Cover Sheet.

When it becomes apparent to the District Judge to whom a case is assigned that the case was previously filed in this Court and assigned to another District Judge and was discontinued, dismissed without prejudice or remanded to a State Court, the two District Judges shall sign an order reassigning the case to the District Judge who had been assigned to the earlier case.

As referenced on the Civil Cover Sheet, the current matter is a re-filing of *Marsha Kelly v. David Brooks, et al.*, Case No. 1:12-cv-00512 (N.D. Ohio 2012), which was assigned to Judge

Gaughan. Therefore, Defendants provide this notice to the Court of the application of Local Rule 3.1(b)(4), and respectfully request that this case be reassigned to Judge Gaughan.

Respectfully submitted,

/s/ Heather M. Lutz

Barton A. Bixenstine (0034130)

Heather M. Lutz (0082237)

Vorys, Sater, Seymour and Pease LLP

2100 One Cleveland Center

1375 East Ninth Street

Cleveland, OH 44114-1724

Telephone (216) 479-6100

Facsimile (216) 479-6060

Email babixenstine@vorys.com

hmlutz@vorys.com

*Attorneys for Defendants University*

*Hospitals Health Systems, Inc., University*

*Hospitals Medical Group, Inc., and David*

*Brooks*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 23, 2013, a copy of *Motion to Reassign to Judge Patricia A. Gaughan* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Heather M. Lutz

Heather M. Lutz (0082237)

*Attorney for Defendants University  
Hospitals Health Systems, Inc., University  
Hospitals Medical Group, Inc., and David  
Brooks*